

Staff Summary Report



Council Meeting Date: 12/12/02

Agenda Item Number: 36

SUBJECT: Set public hearings for **December 19, 2002**, and **January 9, 2003**, to adopt an ordinance to grant an easement to City of Phoenix for a 72" waterline south of Rio Salado Parkway west of Farmer Avenue.

DOCUMENT NAME: (20021212PWDR11) **GRANT OF EASEMENT (0904-02)**
ORDINANCE NO. 2002.51

SUPPORTING DOCS: Yes

COMMENTS: The easement is requested by the City of Phoenix for the operation and maintenance of a new 72" waterline to replace an existing 72" waterline located on and across the Regatta Pointe Condominiums. The City of Phoenix wants to relocate the waterline on City of Tempe fee property for the purpose of better access in case of repair, and to widen the area allowed for the maintenance of the new waterline. Costs of this relocation will be borne by the City of Phoenix and the developer of Regatta Pointe Condominiums.

PREPARED BY: JAMES R. CRISTEA, ENGINEERING MANAGER, LAND SERVICES (x8417)

REVIEWED BY: ANDY GOH, ACTING CITY ENGINEER (x8896)

LEGAL REVIEW BY: RON DUNHAM, ASSISTANT CITY ATTORNEY (x8814)

FISCAL NOTE: N/A

RECOMMENDATION: Adopt Ordinance No. 2002.51 and authorize the Mayor to execute any necessary documents.

Approved by Glenn Kephart, Public Works Manager

ORDINANCE NO. 2002.51

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, GRANTING AN EASEMENT TO THE CITY OF PHOENIX FOR A 72" WATERLINE, SOUTH OF RIO SALADO PARKWAY, WEST OF FARMERS AVENUE, WITHIN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 1 NORTH, RANGE 4 EAST, G & SRB & M.

WHEREAS, it has been determined that the City of Tempe owns certain real estate described herein, and,

WHEREAS, the City of Phoenix has requested an easement for a 72" waterline on said property,

WHEREAS, it would appear to be in the best interest of the City of Tempe to grant an easement to the City of Phoenix, and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION I. That the City of Tempe does hereby authorize the grant of an easement to the City of Phoenix in the form attached hereto as Exhibit "A", "1", and "1A".

SECTION II. That the rights granted in the easement to the City of Phoenix shall be subject to the same encumbrances, liens, limitations, restrictions, and estates as exist on the land of which the easement is a part.

SECTION III: The Mayor is authorized to execute the easement authorized
herein.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE,

ARIZONA this _____ day of _____, 2003.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Recorded at the request of CITY OF TEMPE

When recorded, return to:

CITY OF TEMPE BASKET

AFFIDAVIT AND FEE EXEMPT
PURSUANT TO A.R.S.
SECTION 11-1134.A-3

NE 16 N4
124-24-003
124-24-027

425 W. Rio Salado

EASEMENT

CITY OF TEMPE, a municipal corporation, organized and existing under and by virtue of the laws of the State of Arizona, hereby grants a non-exclusive easement to the CITY OF PHOENIX, a municipal corporation, organized and existing under and by virtue of the laws of the State of Arizona, an easement for

WATER LINE

purposes together with the right of ingress and egress for the purpose of installations, maintenance and replacement over, under, and across the following described property situated in the County of Maricopa, State of Arizona, to-wit:

SEE EXHIBIT "1" and "1A" ATTACHED HERETO AND
BY REFERENCE INCORPORATED HEREIN

Any additional land rights conveyed to the CITY OF PHOENIX are described in Agreement No. _____ between THE CITY OF TEMPE and THE CITY OF PHOENIX as recorded in Maricopa County Recorder Instrument No. _____ - _____.

Dated this _____ day of _____, 2002, by

By: _____
Neil Giuliano, Mayor
City of Tempe

STATE OF ARIZONA)
) ss
County of Maricopa)

The foregoing instrument was acknowledged before me this (Date)_____by
_____, Mayor, City of Tempe.
Neil Giuliano

My Commission Expires:

Recorded at the request of CITY OF TEMPE

When recorded, return to:

CITY OF TEMPE BASKET

AFFIDAVIT AND FEE EXEMPT
PURSUANT TO A.R.S.
SECTION 11-1134.A-3

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Dated this _____ day of _____, 2002, by

By: _____
Neil Giuliano, Mayor
City of Tempe

STATE OF ARIZONA)
) ss
County of Maricopa)

The foregoing instrument was acknowledged before me this (Date) _____ by
_____, Mayor, City of Tempe.
Neil Giuliano

My Commission Expires:

EXHIBIT 1

PARCEL DESCRIPTION

City of Phoenix Permanent Waterline Easement, Area "A"

COPY

That portion of the Northeast Quarter of Section 16, Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

BEGINNING at the Northeast corner of "REGATTA POINTE CONDOMINIUMS" a condominium Plat recorded in Book 548 of Maps, page 10, of Official Records of Maricopa County, Arizona;

- THENCE North 73 degrees 57 minutes 53 seconds West, along the Northerly line of said "REGATTA POINTE CONDOMINIUMS", a distance of 150.19 feet to the beginning of a tangent curve concave Southerly, having a radius of 150.00 feet and a radial bearing of South 16 degrees 02 minutes 06 seconds West;
- THENCE Southwesterly, continuing along the Northerly line of said "REGATTA POINTE CONDOMINIUMS", along the arc of said curve, through a central angle of 34 degrees 53 minutes 05 seconds and an arc distance of 91.33 feet to a point of tangency;
- THENCE South 71 degrees 09 minutes 01 seconds West, continuing along the Northerly line of said "REGATTA POINTE CONDOMINIUMS", a distance of 109.17 feet to a point which is 40 feet Southerly of the Southerly Right-of-Way line of Rio Salado Parkway;
- THENCE South 71 degrees 56 minutes 39 seconds West, leaving the Northerly line of said "REGATTA POINTE CONDOMINIUMS", parallel to and 40.00 feet Southerly of the Southerly Right-of-Way line of said Rio Salado Parkway, a distance of 367.10 feet to the beginning of a tangent curve concave Northwesterly, having a radius of 2014.86 feet and a radial bearing of North 18 degrees 03 minutes 21 seconds West;
- THENCE Southwesterly, continuing along a line parallel to and 40.00 feet Southerly of the Southerly Right-of-Way line of said Rio Salado Parkway, along the arc of said curve, through a central angle of 05 degrees 16 minutes 31 seconds and an arc distance of 185.51 feet;
- THENCE North 09 degrees 09 minutes 21 seconds West, a distance of 40.08 feet to a point on the Southerly Right-of-Way line of said Rio Salado Parkway, said point being on a curve concave Northwesterly, having a radius of 1974.86 feet and a radial bearing of North 12 degrees 51 minutes 15 seconds West;
- THENCE Northeasterly, along the Southerly Right-of-Way line of said Rio Salado Parkway, along the arc of said curve, through a central angle of 05 degrees 12 minutes 06 seconds and an arc distance of 179.29 feet to a point of tangency;
- THENCE North 71 degrees 56 minutes 39 seconds East, continuing along the Southerly Right-of-Way line of said Rio Salado Parkway, a distance of 485.62 feet to the beginning of a tangent curve concave Southeasterly, having a radius of 1085.00 feet and a radial bearing of South 18 degrees 03 minutes 21 seconds East;
- THENCE Northeasterly, along the Southerly Right-of-Way line of said Rio Salado Parkway, along the arc of said curve through a central angle of 06 degrees 36 minutes 03 seconds and an arc distance of 125.00 feet;

COPY

THENCE South 73 degrees 11 minutes 27 seconds East, a distance of 153.83 feet;
THENCE South 45 degrees 31 minutes 55 seconds East, a distance of 123.21 feet to a point on the
Northerly Right-of-Way line of Farmer Avenue, as shown on "STATE PLAT NO. 12",
a subdivision Plat recorded in Book 69 of Maps, page 38, of Official Records of
Maricopa County, Arizona;
THENCE South 78 degrees 24 minutes 22 seconds West, along the Northerly Right-of-Way line of
said Farmer Avenue, a distance of 96.42 feet;
THENCE North 45 degrees 31 minutes 55 seconds West, leaving the Northerly Right-of-Way line
of said Farmer Avenue, a distance of 33.59 feet to a point of the Easterly line of said
"REGATTA POINTE CONDOMINIUMS";
THENCE North 01 degrees 01 minutes 55 seconds West, along the Easterly line of said
"REGATTA POINTE CONDOMINIUMS", a distance of 16.05 feet returning to the
POINT OF BEGINNING.

Containing 1.13 acres of 49,360 square feet, more or less.

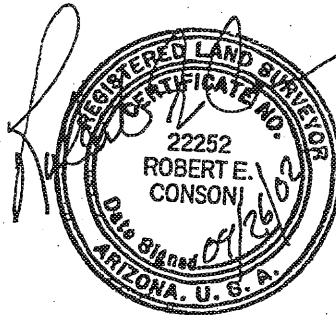
Subject to existing Rights-of-Way and Easements.

BASIS OF BEARINGS

South 89 degrees 28 minutes 08 seconds West along the South line of the Northeast Quarter of Section 16,
Township 1 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona,
as shown on Plat of "REGATTA POINTE CONDOMINIUMS", Book 548 of Maps, page 10, Maricopa
County Recorder.

Reference is hereby made to the attached Exhibit 1A drawings.

Sheet 2 of 4



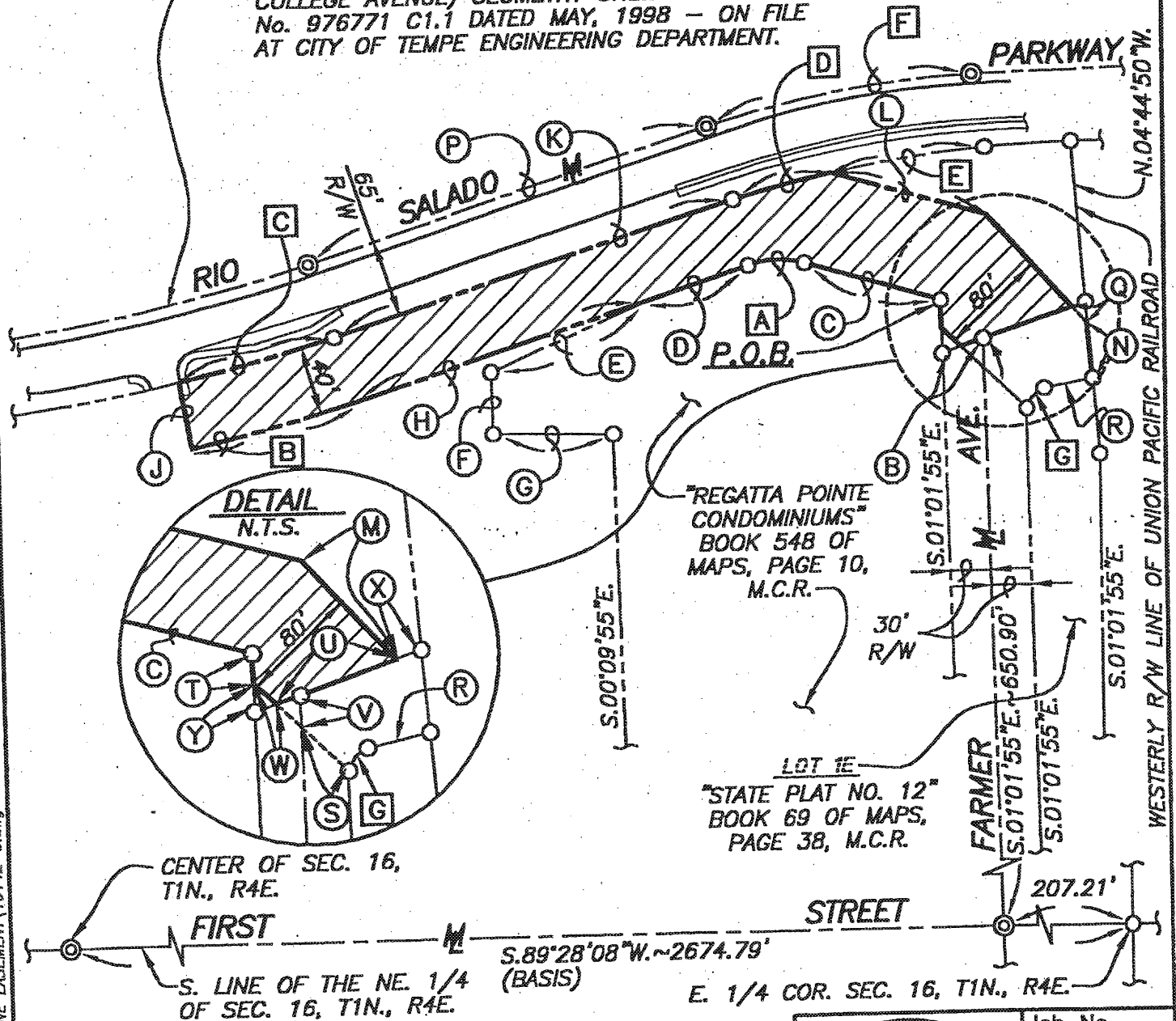
1014.2 F
09/26/02
GT/REC:bls
(Permanent WL Esmt. - W.)

COPY

EXHIBIT 1A

**NOTE: SEE LINE TABLE
AND CURVE DATA
ON SHEET 4 OF 4**

CENTERLINE OF RIO SALADO PARKWAY — AS SHOWN
ON "RIO SALADO PARKWAY (FARMER AVENUE TO
COLLEGE AVENUE) GEOMETRY SHEET" — PROJECT
No. 976771 C1.1 DATED MAY, 1998 — ON FILE
AT CITY OF TEMPE ENGINEERING DEPARTMENT.

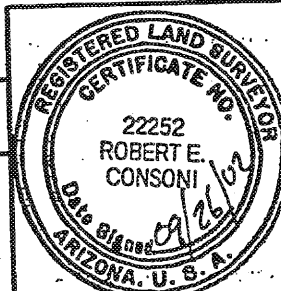


— INDICATES AREA DESCRIBED BY LEGAL DESCRIPTION

SKETCH OF LEGAL DESCRIPTION

GERVASIO & ASSOC. INC.
CONSULTING ENGINEERS
4527 N. 16TH STREET, SUITE 200
PHOENIX, ARIZONA 85016
(602) 285-1720 FAX 285-1530

CITY OF PHOENIX
PERMANENT WATERLINE
EASEMENT, AREA "A"



Job No.	1014.2F
Date	9/26/02
By	IAW/GT/REC
Sheet No.	3 OF 4

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COPY

EXHIBIT 1A

NOTE: SEE SKETCH OF PERMANENT
WATERLINE EASEMENT ON
SHEET 3 OF 4.

LINE TABLE

LINE	BEARING	DISTANCE
(A)	N.01°01'55"W.	28.35'
(B)	N.78°24'22"E.	30.52'
(C)	N.73°57'53"W.	150.19'
(D)	S.71°09'01"W.	109.17'
(E)	S.71°09'01"W.	189.44'
(F)	S.00°59'55"E.	42.32'
(G)	S.88°42'46"E.	138.26'
(H)	S.71°56'39"W.	367.10'
(J)	N.09°09'21"W.	40.08'
(K)	N.71°56'39"E.	485.62'
(L)	S.73°11'27"E.	153.83'
(M)	S.45°31'55"E.	123.21'

LINE TABLE (CONTINUED)

LINE	BEARING	DISTANCE
(N)	S.04°44'50"E.	18.85'
(P)	N.71°56'39"E.	485.62'
(Q)	N.04°44'50"W.	21.98'
(R)	S.78°24'22"W.	67.33'
(S)	N.45°31'55"W.	45.65'
(T)	N.01°01'55"W.	16.05'
(U)	S.78°24'22"W.	96.42'
(V)	S.01°01'55"E.	7.78'
(W)	N.45°31'55"W.	33.59'
(X)	S.78°22'22"W.	17.31'
(Y)	N.01°01'55"W.	28.35'

CURVE DATA

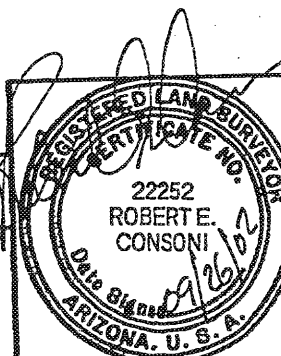
CURVE	DELTA	RADIUS	ARC	CHORD
(A)	34°53'05"	150.00'	91.33'	S.88°35'51"W.~89.92'
(B)	05°16'31"	2014.86'	185.51'	S.74°34'54"W.~185.44'
(C)	05°12'06"	1974.86'	179.29'	N.74°32'42"E.~179.23'
(D)	06°36'03"	1085.00'	125.00'	N.75°14'41"E.~124.93'
(E)	09°08'54"	1085.00'	173.24'	N.83°07'09"E.~173.06'
(F)	15°44'57"	1150.00'	316.11'	N.79°49'08"E.~315.11'
(G)	79°26'17"	14.44'	20.03'	S.38°41'14"W.~18.46'

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CONSULTING ENGINEERS
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CITY OF PHOENIX
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